Limited Duty and the Disability Evaluation System

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UNCLASSIFIED

TOPICS

- Definitions
- The Disability Evaluation System
  - Legacy vs. IDES
- Compensation
- Command Responsibilities
- Noteworthy Items

MMSR-4

- MMSR-4 is the Disability Section, Separation and Retirement Branch.

- Primary Responsibilities:
  - Separate and Retire for Physical Disability
  - Administer the Temporary Disability Retired List (TDRL)
  - Manage Temporary Limited Duty (TLD) and Permanent Limited Duty (PLD)

DEFINITIONS

- Light Duty - a medical condition that removes a Marine from full duty for short periods.
- Temporary Limited Duty (TLD) – Commonly known as Limited Duty; based on doctor's recommendation that a Marine's condition will improve by the end of a specified period.
- Permanent Limited Duty (PLD) – Designed to facilitate transition or to help reach retirement eligibility. For Marines that can contribute to the unit's mission accomplishment.

DEFINITIONS

- Expanded Permanent Limited Duty (EPLD) - Designed for combat wounded/injured Marines, allows them to stay on active duty until longevity retirement or for up to 30 years.

- Physical Evaluation Board
  - Acts on behalf of the Secretary of the Navy.
  - Makes determinations on fitness to continue naval service.

- Medical Evaluation Board (MEB) – a board of 2 or more doctors that confirms a duty limitation.

DEFINITIONS

- Medical Evaluation Board Report – there are two types:
  - Abbreviated Medical Evaluation Board Report – AMEB(R) – NAVMED 6100/5: A summary of the Marine's medical condition, limitations, and expected return to duty date.
  - Medical Evaluation Board Report – MEB(R)
    - A detailed clinical report of a Marine's medical conditions.
    - Forwarded to the PEB for a disability determination.

DEFINITIONS

- Disposition – A PEB directed action taken by HQMC affecting a Marine's status within the Marine Corps, specifically:
  - Fit to Continue Naval Service – results in a return to duty, separation under other provisions of law, or removal from the Temporary Disability Retired List (TDRL).
  - Unfit to Continue Naval Service – results in discharge with or without severance pay, transfer to the TDRL, continuance on the TDRL, or transfer to the Permanent Disability Retired List (PDRL).
  - Presumption of Fitness – important for those

Light Duty

- A Marine who is sick/injured reports to the local MTF for screening. The physician has 3 options:
  - Keep the Marine on full duty.
  - Recommend assignment to light duty for up to 2 periods of (30) days.
  - Initiate medical board proceedings.

- At the completion of maximum light duty, the physician has 2 options:
  - Return the Marine to full duty.
  - Initiate medical board proceedings (At this point an additional 30 days of light duty are permitted in order to process the medical board).

- **A Marine should not be in a light duty status for more than (90) days for the same injury without a medical**

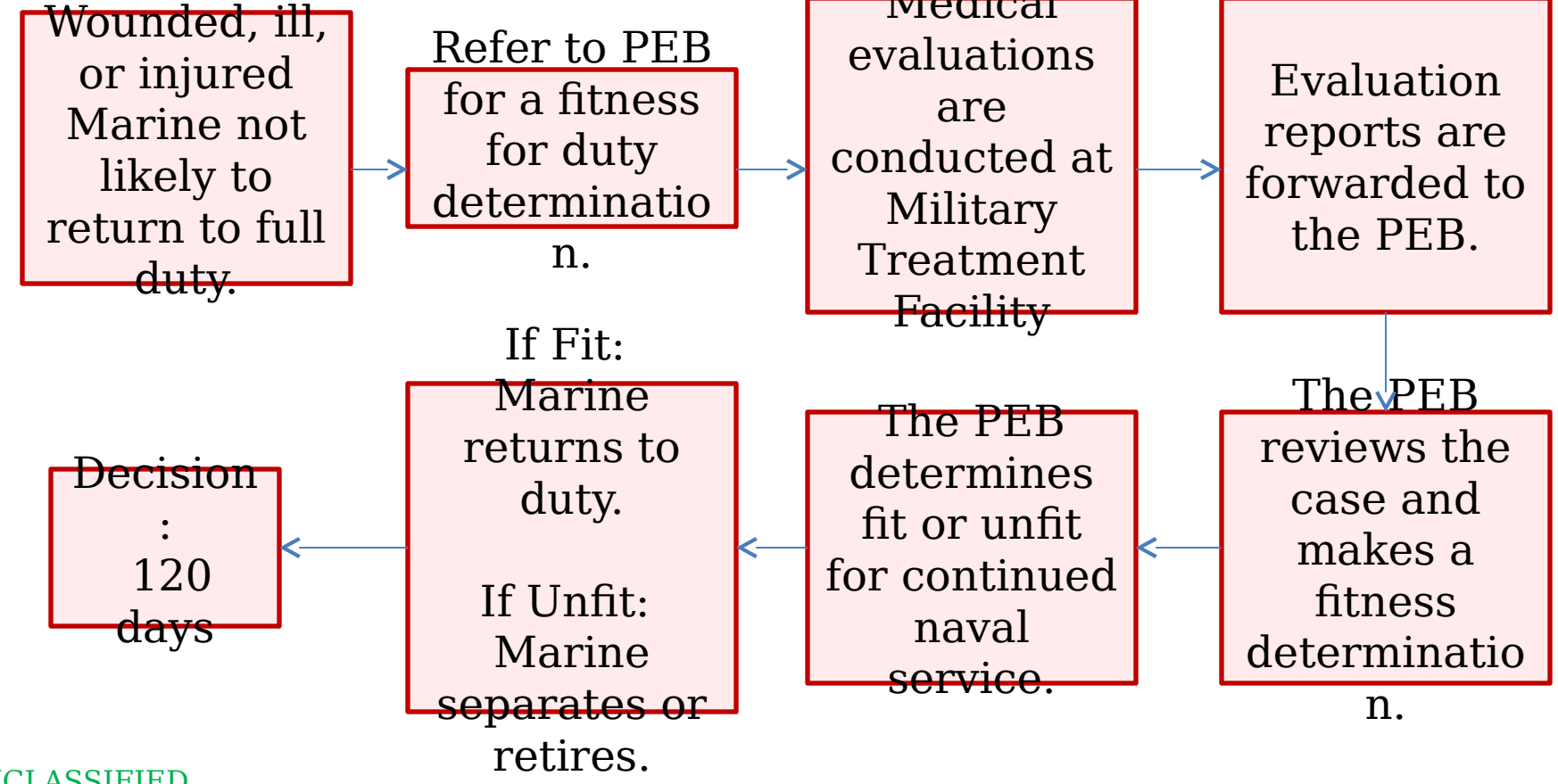
Temporary Limited Duty

- A MEB may:
  - Recommend TLD.
    - The MTF can approve two periods of TLD for enlisted Marines.
    - MEB must be forwarded to MMSR-4 for review of all 3rd and subsequent TLD requests or for any TLD request that extends beyond a Marine's EAS.
    - All Officer MEBs must be forwarded to MMSR-4 for approval.
  - Be forwarded directly to the PEB for determination of fitness.
  - Return the Marine to full duty.

The Disability Evaluation System (DES)

- Legacy
  - Prior to 2009 and for certain categories today.
  - All evaluations are performed at Navy/DoD MTF.
  - PEB determines fitness and percentage of disability.

Legacy Disability Evaluation System


Wounded, ill, or injured Marine not likely to return to full duty.
Refer to PEB for a fitness for duty determination.
Medical evaluations are conducted at Military Treatment Facility
Evaluation reports are forwarded to the PEB.
The PEB reviews the case and makes a fitness determination.
The PEB determines fit or unfit for continued naval service.
If Fit: Marine returns to duty.
If Unfit: Marine separates or retires.
Decision: 120 days

Integrated Disability Evaluation System (IDES)

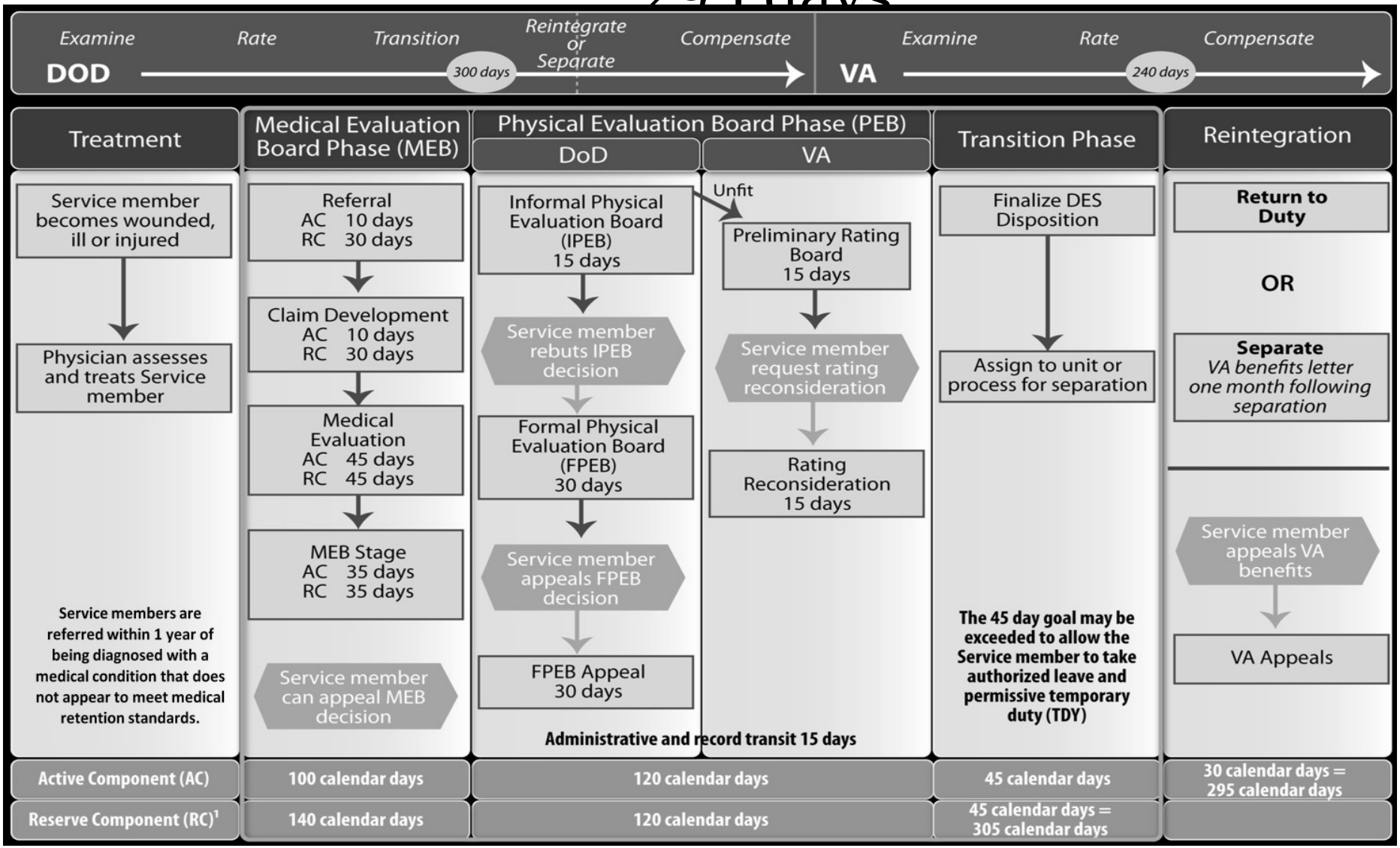
- The Integrated Disability Evaluation System (IDES) - NDAA FY08.

  - Streamline the DES; seamless transition of DoD and VA pay and benefits upon separation or retirement.

  - Joint DoD/VA process.
    - Medical exams by the VA.
    - DoD decides which conditions are military unfitting.
    - VA decides disability rating percentage.

  - Targeted completion time of 295 days; currently averaging over 400 days.

Integrated Disability Evaluation System – 295 days



Disability Determinations

- Possible Outcomes
  - Fit for continued naval service.
  - Unfit for continued naval service
    - Discharge: 0-20% disability
    - PDRL: ≥ 30% disability – condition stable
    - TDRL: ≥ 30 % disability – condition unstable

Differences Between DoD and VA

- DoD – maintain a fit fighting force
  - Authority: Title 10 USC Chapter 61
  - Determines a service member's medical fitness for military duty.
  - Compensates for a loss of future military earnings (retirement).
  - Only rates military unfitting conditions.
  - Ratings are permanent upon transfer to the PDRL or separation.

Differences Between DoD and VA

- Department of Veterans Affairs – compensate for service connected conditions that may affect civilian employment.
  - Authority: Title 38 Code of Federal Regulations
  - Determines service connection of a disability.
  - Compensates for the loss of future civilian earning capacity.
  - Rates all service connected injuries and illnesses.
  - Ratings may change over time.
  - Not bound by DoD decisions.

Compensation

- Severance pay:
  - 2 x Base Pay x Years
    - Maximum of 19 years
    - Minimum of 3 years (6 years if armed conflict)
- TDRL
  - Minimum 50% of base pay (high 36 avg) to a maximum of 75%, regardless of disability rating percentage.
- PDRL
  - Compensation is based on the actual disability rating percentage.
  - Max pay = 75% of high 36 average

Command Responsibilities

- Assign a Limited Duty Coordinator
  - SSgt or higher.
  - Coordinate with the Marine, command, hospital, and IPAC.
- Ensure correct duty status reflected in MCTFS.
- Notify CMC (MMSR-4) of a concurrent disability and punitive or administrative separation action.
- Stay engaged with the MTF on completing Med Boards in a timely manner.
- Forward a Commander's Non-Medical Assessment (NMA) within 5 days of notification from MTF.

Noteworthy Items

- MARADMIN 636/09 – Summarizes Limited Duty and the Legacy DES.
- MARADMIN 328/10 – Prior to approving involuntary administrative separation:
  - Marine must have a medical evaluation.
  - Provide the separation authority with any information that may affect the Marine's behavior (PTSD/TBI).
- Presumption of Fitness
  - Within 12 months of mandatory retirement or an approved retirement date.
  - Condition did not preclude reaching 20+ years – thus "PRESUMED FIT".
  - Can still receive disability compensation from the VA

Noteworthy Items

- MARADMIN 248/11
  - Prohibits involuntary separation for the same condition for which the PEB finds a Marine fit.
    - Retained in their current billet.
    - Reassigned.
    - Re-evaluated for disability separation by ASN (M&RA)

- Overseas IDES – Marines return to CONUS for IDES processing.
  - CMC MMEA-1 Naval Message DTG 051519Z OCT 11.

- Recruits – process through the Legacy DES.

Noteworthy Items

- MARADMIN 263/12
  - Strength Category Code “E” (Case referred to the PEB)
  - New Duty Limitation Codes
    - X: Expired Temporary Limited Duty
    - V: Case referred to the PEB
    - Y: Case accepted by the PEB

- Home Awaiting Orders
  - Will no longer be authorized for Marines who are being separated or retired through the physical disability evaluation system.

References

- Chapter 61, Title 10, United States Code
- DoD Instruction 1332.38, Physical Disability Evaluation Manual
- SECNAVINST 1850.4E, Disability Evaluation Manual
- MCO P1900.16F w/ Ch 2: Marine Corps Separation and Retirement Manual (MARCORSEPMAN), Chapter 8
- NAVMED P-117, Manual of the Medical Department
- WWW.MANPOWER.USMC.MIL
  - Click: Active Duty, Manpower Management, MMSR, Disability

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QUESTIONS?